

REMARKS

Status of Claims and Summary of Application

In the December 1, 2000 Office Action, all pending claims 1-3, 5-9 and 11-17, 19, 20 and 22-46 stand rejected as being based upon a defective declaration. Claims 1-3, 25, 26 and 28-46 also stand rejected under 35 U.S.C. §251 as improperly recapturing subject matter that was surrendered in the application for the patent upon which the present reissue is based. Claims 5-9, 11-17, 20, 22-24 and 27 are not rejected in view of prior art or for recapture of cancelled subject matter. No prior art rejections were made in the December 1, 2000 Office Action.

This amendment amends independent claims 1, 25, 28, 37 and 46. Accordingly, after entrance of this Amendment, original patent claims 1-3, 5-9 and 11-17 and new application claims 19, 20 and 22-46 are pending for consideration and examination. Original patent claims 1, 5 and 11 are independent claims. Also new application claims 19, 20, 23, 25, 27, 28, 37 and 46 are independent claims. Reexamination and reconsideration of these claims are respectfully requested in view of the above-amendments and the following comments.

Explanation of Support in the Disclosure of the Patent for the Amendments

The amendments to claim 1 changes the phrase " in a manner to non-movably hold said first and second metal plate members in parallel relationship with each other" to -- ***said spacer members having vertical dimensions*** to non-movably hold said first and second metal plate members in parallel ***and vertical*** relationship with each other --. The amendments to claim 1 are fully supported by the patent in the specification at column 6, lines 41-51, in original independent claim 1, and in the drawings at Figures 1 and 3.

The amendments to claim 25 changes the phrase " in a manner to non-movably hold said first and second metal plate members in parallel relationship with each other" to -- ***said***

spacer members having vertical dimensions to non-movably hold said first and second metal plate members in parallel *and vertical* relationship with each other --. The amendments to claim 25 are fully supported by the patent in the specification at column 6, lines 41-51, in original independent claim 1, and in the drawings at Figures 1 and 3.

The amendments to claim 28 changes the phrase " and to non-movably hold said first and second metal plate members in parallel relationship with each other" to -- *said spacer members having vertical dimensions* to non-movably hold said first and second metal plate members in parallel *and vertical* relationship with each other --. The amendments to claim 28 are fully supported by the patent in the specification at column 6, lines 41-51, in original independent claim 1, and in the drawings at Figures 1 and 3.

The amendments to claim 37 changes the phrase " in a manner to non-movably hold said first and second metal plate members in parallel relationship with each other" to -- *said spacer members having vertical dimensions* to non-movably hold said first and second metal plate members in parallel *and vertical* relationship with each other --. The amendments to claim 37 are fully supported by the patent in the specification at column 6, lines 41-51, in original independent claim 1, and in the drawings at Figures 1 and 3.

The amendments to claim 46 changes the phrase " in a manner to non-movably hold said first and second metal plate members in parallel relationship with each other" to -- *said spacer members having vertical dimensions* to non-movably hold said first and second metal plate members in parallel *and vertical* relationship with each other --. The amendments to claim 46 are fully supported by the patent in the specification at column 6, lines 41-51, in original independent claim 1, and in the drawings at Figures 1 and 3.

Record of Interview

On April 26, 2001, Applicant's representative conducted a personal interview with Examiner Robert Canfield, who is in charge of the above-identified reissue patent application. Applicant wishes to thank Examiner Canfield for the courteous interview. Basically, the rejection of claims 1-3, 25, 26 and 28-46 under 35 U.S.C. §251 was discussed. After discussing various possible amendments, it was agreed that the adding that *the pair of spacer members has a vertical dimension* would overcome the rejection. More specifically, the Examiner agreed that the Reasons for Allowance of the original patent claims was ambiguous and that the original patent claims did not require the spacer members to be a vertical plate or to extend in a substantially a vertical direction. Rather, it was agreed that the spacer members must have *a vertical dimension* to non-movably hold the first and second metal plate members in parallel and vertical relationship with each other. Again, Applicant wishes to thank Examiner Canfield for the assistance in determining suitable claim language to overcome the rejection of claims 1-3, 25, 26 and 28-46 under 35 U.S.C. §251.

Defective Oath/Declaration

In the Office Action, the Declaration was indicated as being defective and all of the pending claims 1-3, 5-9 and 11-17, 19, 20 and 22-46 were rejected as being based upon a defective declaration. Accordingly, Applicant submits herewith a Supplemental Reissue Declaration, which includes the language suggested in the Office Action. Therefore, Applicant believes that this rejection has been overcome.

Claim Rejection Under 35 U.S.C. §251

In paragraph 4 of the Office Action, claims 1-3, 25, 26 and 28-46 also stand rejected under 35 U.S.C. §251 as improperly recapturing subject matter that was surrendered in the application for the patent upon which the present reissue is based. Claims 5-9, 11-17, 20,

22-24 and 27 were not rejected for recapturing subject matter that was surrendered. In response, Applicant has amended independent claims 1, 25, 28, 37 and 46.

Specifically, Applicant has amended independent claims 1, 25, 28, 37 and 46 to recite that the spacer members having vertical dimensions to non-movably hold said first and second metal plate members in parallel and vertical relationship with each other.

Accordingly, reconsideration of this rejection is respectfully requested.

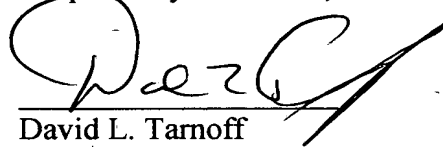
Surrender of Original Patent Grant

In the Office Action, Applicant was reminded of the requirement to submit the original patent grant before the reissue application can be allowed. Applicant submits herewith the original patent grant for correction.

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By the above amendments to the claims, Applicant is hereby seeking to correct an error in the issued patent. Specifically, the claims of the issued patents were overly narrow and did not adequately claim the disclosed subject matter. In view of the foregoing comments, Applicant believes that all pending claims 1-3, 5-9, 11-17, 19, 20 and 22-46 are allowable over the prior art of record and that no recapture exists. Reexamination and reconsideration of the claims are respectfully requested.

Respectfully submitted,



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